

## § 708.1

## 10 CFR Ch. III (1–1–11 Edition)

- 708.28 What procedures govern a hearing conducted by the Office of Hearings and Appeals?
- 708.29 What must the parties to a complaint prove?
- 708.30 What process does the Hearing Officer follow to issue an initial agency decision?
- 708.31 If no hearing is conducted, what is the process for issuing an initial agency decision?
- 708.32 Can a dissatisfied party appeal an initial agency decision?
- 708.33 What is the procedure for an appeal?
- 708.34 What is the process for issuing an appeal decision?
- 708.35 How can a party obtain review by the Secretary of Energy of an appeal decision?
- 708.36 What remedies for retaliation may be ordered in initial and final agency decisions?
- 708.37 Will an employee whose complaint is denied by a final agency decision be reimbursed for costs and expenses incurred in pursuing the complaint?
- 708.38 How is a final agency decision implemented?
- 708.39 Is a decision and order implemented under this regulation considered a claim by the government against a contractor or a decision by the contracting officer under sections 6 and 7 of the Contract Disputes Act?
- 708.40 Are contractors required to inform their employees about this program?
- 708.41 Will DOE ever refer a complaint filed under this part to another agency for investigation and a decision?
- 708.42 May the deadlines established by this part be extended by any DOE official?
- § 708.43 Does this rule impose an affirmative duty on DOE contractors not to retaliate?

AUTHORITY: 42 U.S.C. 2201(b), 2201(c), 2201(i), and 2201(p); 42 U.S.C. 5814 and 5815; 42 U.S.C. 7251, 7254, 7255, and 7256; and 5 U.S.C. Appendix 3.

SOURCE: 64 FR 12870, Mar. 15, 1999, unless otherwise noted.

### Subpart A—General Provisions

#### § 708.1 What is the purpose of this part?

This part provides procedures for processing complaints by employees of DOE contractors alleging retaliation by their employers for disclosure of information concerning danger to public or worker health or safety, substantial violations of law, or gross mismanagement; for participation in Congress-

sional proceedings; or for refusal to participate in dangerous activities.

#### § 708.2 What are the definitions of terms used in this part?

For purposes of this part:

*Contractor* means a seller of goods or services who is a party to:

(1) A management and operating contract or other type of contract with DOE to perform work directly related to activities at DOE-owned or -leased facilities, or

(2) A subcontract under a contract of the type described in paragraph (1) of this definition, but only with respect to work related to activities at DOE-owned or -leased facilities.

*Day* means a calendar day.

*Discovery* means a process used to enable the parties to learn about each other's evidence before a hearing takes place, including oral depositions, written interrogatories, requests for admissions, inspection of property and requests for production of documents.

*DOE Official* means any officer or employee of DOE whose duties include program management or the investigation or enforcement of any law, rule, or regulation relating to Government contractors or the subject matter of a contract.

*EC Director* means the Director of the Office of Employee Concerns at DOE Headquarters, or any official to whom the Director delegates his or her functions under this part.

*Employee* means a person employed by a contractor, and any person previously employed by a contractor if that person's complaint alleges that employment was terminated for conduct described in § 708.5 of this subpart.

*Field element* means a DOE field-based office that is responsible for the management, coordination, and administration of operations at a DOE facility.

*Head of Field Element* means the manager or head of a DOE operations office or field office, or any official to whom those individuals delegate their functions under this part.

*Hearing Officer* means an individual appointed by the OHA Director to conduct a hearing on a complaint filed under this part.

*Management and operating contract* means an agreement under which DOE